

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SALVATORE SPINNATO, #272-280

Petitioner

v.

J.P. GALLEY, et al.

Respondent

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CIVIL ACTION NO. JFM-02-4213

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ORDER

The United States Court of Appeals for the Fourth Circuit recently issued a decision in *Thompson v. Greene*, --- F.3d ----, 2005 WL 2739498 (4th Cir. Oct. 25, 2005), which held that the Office of the Maryland Attorney General's ("OAG") failure to serve habeas exhibits violated the procedural rules governing service of such exhibits in habeas corpus proceedings. The Fourth Circuit concluded that the OAG was required to serve exhibits to its answer along with the answer itself on habeas corpus petitioners, regardless of whether documents were voluminous, whether petitioner already had documents or knowledge of their contents, or whether petitioner could obtain such exhibits by showing a particularized need and obtaining court order. *See Thompson*, ___ F.3d. ___, ___, 2005 WL 2739498, at *6.

In light of the *Thompson* decision, Respondents shall serve Petitioner with copies of all exhibits on or before 45 days from the entry date of this Order and shall notify this court of service by electronic filing. Petitioner shall then file any Supplemental Reply 30 days after service of the exhibits.

Accordingly, IT IS this 4th day of November, 2005, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. Respondents shall SERVE Petitioner with copies of all exhibits on or before FORTY-FIVE (45) DAYS from the entry date of this Order; and

2. Petitioner IS GRANTED an additional THIRTY (30) DAYS from service of the exhibits to file his Supplemental Reply.

/s/

J. Frederick Motz
United States District Judge